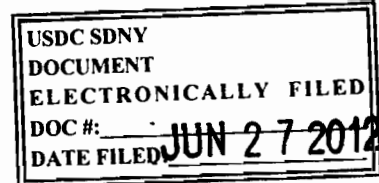


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
:
BRANDI A. WALZER, :

Plaintiff, :

12 Civ. 3935 (KBF)

-v- :

ORDER

METROPOLITAN TRANSPORTATION AUTHORITY, :
et al., :

Defendants. :

-----X
KATHERINE B. FORREST, District Judge:

On May 17, 2012, this matter was removed to this Court from the Supreme Court of the State of New York, County of New York, on the basis of federal question jurisdiction, 28 U.S.C. § 1331. On the face of the complaint at the time of removal, plaintiff alleged claims arising under the laws and Constitution of the United States. In a letter dated June 15, 2012, plaintiff's counsel informed this Court that the reference to federal laws in the complaint was a mistake. The Court permitted plaintiff to file an amended complaint concurrently with a motion to remand, which she did on June 22, 2012. The amended complaint does not assert any federal law claims. (Dkt No. 12-4.)

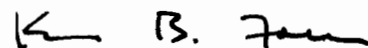
Although the existence of subject matter jurisdiction is determined by examining the complaint as it existed at the time

of removal, Hallingby v. Hallingby, 574 F.3d 51, 55 (2d Cir. 2009)--and, thus, post-removal amendment to rid a complaint of federal claims does not divest this Court of jurisdiction--a court may nonetheless decline to exercise supplemental jurisdiction over remaining state law claims, see e.g., Jean-Laurent v. Wilkerson, --- F. Supp. 2d ----, 2012 WL 1977920, at *1 (S.D.N.Y. May 21, 2012) (citing 28 U.S.C. § 1367). On the basis of this Court's review of the pleadings, the parties' submissions and the early posture of this case, the Court declines to exercise its discretion to consider plaintiff's state law claims.

Accordingly, plaintiff's motion to remand is GRANTED. The Clerk of the Court is directed to terminate the motion at Docket No. 10 and to effectuate prompt remand of this case to the Supreme Court of the State of New York, New York County. The Clerk of the Court is also directed to separately file on the docket plaintiff's amended complaint, attached as Exhibit 4 to plaintiff's motion to remand (Dkt No. 12-4).

SO ORDERED:

Dated: New York, New York
June 27, 2012



KATHERINE B. FORREST
United States District Judge